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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,843	12/20/2000	Jerry L. Nadler	1954-363	5838

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EXAMINER

CRIARES, THEODORE J

ART UNIT PAPER NUMBER

1617

DATE MAILED: 03/27/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,843

Applicant(s)

NADLER ET AL.

Examiner

Theodore J. Criares

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10-21, 28, 32, 34-36 AND 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-5, 10-21, 28, 32, 34-36 and 38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

ICLAIMS 1-5, 10-21, 28, 32, 34-36 AND 38 ARE **PRESENTED FOR EXAMINATION**

Pursuant to 35 U.S.C. 121 restriction is required to one of the following separate and distinct inventions:

GROUP I - claims 1 and 2 - Directed to isolated and purified human 12-lipoxygenase;

GROUP II -claims 3-5 - Directed to the the diagnosing a disease state;

GROUP III - claims 10 - Directed to a method for inhibiting or reducing vascular endothelial growth factor production in a human patient;

GROUP IV - claims 11, 12, 15 - 19 - Directed to the treatment of a human patient suffering from a cytokine mediated autoimmune disorder;

GROUP V - claim 13 - Directed to the redction of monocyte binding to human enendothelial cells.

Claim 14 will be examined with the election from Group V or VI;

GROUP VI - claim 20 - Directed to a method for increasing the activity and expression of 12-lipoxygenase nRNA and protein in human aortic smooth muscle;

GROUP VII - claim 21 - Directed to the reduction of angiotensin II related cardiovascular disease;

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GROUP VIII- claim 34, 35, 36, - Directed to the reduction of angiotensin II related cardiovascular disease;

GROUP IX – CLAIMS 32 AND 38 - Directed to the reduction of LO-12 gene expression and 12-HETE levels; and

GROUP X – claim 28 – Directed to the method of monitoring cell migration.

Further restriction may be required.

Inventions of Groups I to X are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated as they have acquired a separate status in the pharmaceutical art and restriction for examination purposes as indicated is proper. The medical disorders claimed to be treated are independent and distinct since they have known different etiology and the active agents have different effects. The inventions set forth above also have different modes of operation, i.e. methods of diagnosis are different from monitoring cell migration.

Applicant is required to elect from the above groups and provide a claim to the disorder to be treated since each of the disorders have acquired a separate status in the art..

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

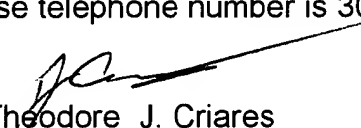
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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Criares whose telephone number is 308-4607. The examiner can normally be reached on 6:30 A.M. to 5:00P.M. Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minna Moeizie can be reached on 308-4612. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6897 for regular communications and N/A for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.



Theodore J. Criares
Primary Examiner
Art Unit 1617

T.J.C.
March 21, 2002